

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/9/15

-against-

S7 and S10 98-cr-1023 (LAK)

KHALID AL FAWWAZ and ANAS AL LIBY,

Defendants.

-----x

ORDER

LEWIS A. KAPLAN, *District Judge*.

The Stipulated Protective Order with Respect to CIPA § 6, dated December 11, 2014, was filed with the Classified Information Security Officer (“CISO”). The Court has been advised by the CISO that the attached copy of that Stipulated Protective Order, reviewed and redacted by the appropriate authorities in accordance with the Classified Information Procedures Act, now may be filed on the public record. Accordingly, the Clerk shall file the attached copy in place of the half sheet [DI 1800].

SO ORDERED.

Dated: February 9, 2015



Lewis A. Kaplan
United States District Judge

(2)

Filed with Classified
Information Security Officer~~SECRET//NOFORN~~ CISO MC/SEDDate 12/12/14UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. - : S10 98 Cr. 1023 (LAK)

KHALID AL FAWWAZ,
a/k/a "Khaled Abdul Rahman Hamad al
Fawwaz,"
a/k/a "Abu Omar,"
a/k/a "Hamad," andANAS AL LJBY,
a/k/a "Nazih al Raghib,"
a/k/a "Anas al Sebai."

Defendants.

X

KAPLAN, D.J.:

WHEREAS, on September 29, 2014, the Government filed a notice (the "Government Section 6 Notice") pursuant to Section 6(b) of the Classified Information Procedures Act ("CIPA") providing notice of its intention to request a hearing concerning the use, relevance, and/or admissibility of classified information at trial.

WHEREAS, in support of its application for a hearing, the Government has submitted an *ex parte* declaration (the "Component 2014 Declaration") from an employee of a

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component of the U.S. government (the "Component") regarding the authenticity of the

WHEREAS, on November 12, 2014, the Court held a hearing (the "November 12 Hearing") pursuant to Section 6 CIPA regarding, *inter alia*, the authenticity and admissibility of the

WHEREAS, at the November 12 Hearing counsel for both defendants and the Government stipulated

WHEREAS, the Court finds, that disclosure at a public trial of:

reasonably could be expected to cause exceptionally grave damage to the national security:

WHEREAS, the Court finds, pursuant to Rule 104(c)(3) of the Federal Rules of Evidence, that because of the potential damage to the national security,

Based on the foregoing, IT IS HEREBY ORDERED that as that term is defined in the Government Section 6 Motion, are authentic within the meaning of Rule 901 of the Federal Rules of Evidence in that they constitute

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IT IS FURTHER ORDERED that the parties shall be prohibited from examining any witness, introducing any evidence, or making any arguments with respect to:

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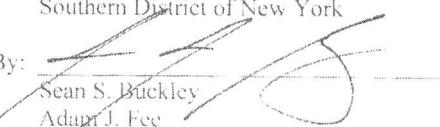
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IT IS FURTHER ORDERED that this Order be filed under seal with the
Classified Information Security Officer.

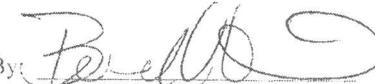
AGREED AND CONSENTED TO:

Dated: New York, New York
December 4, 2014

PREET BHARARA
United States Attorney for the
Southern District of New York

By: 
Sean S. Buckley
Adam J. Fee
Nicholas J. Lewin
Stephen J. Ritchin
Assistant United States Attorneys

ANAS AL LIBY

By: 
Bernard V. Kleinman, Esq.
Counsel for Anas al Liby

SO ORDERED in Chambers this 11th day of December, 2014.


THE HONORABLE LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK